

No. ID/FD/316/82/686.—Whereas the Governor of Haryana is of the opinion that an industrial dispute exists between the workman Shri Ran Bir and the management of M/s. R.S. Engineering Company, 208/24, Faridabad, regarding the matter hereinafter appearing;

And whereas the Governor of Haryana considers it desirable to refer the dispute for adjudication;

Now therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of Industrial Disputes Act, 1947, the Governor of Haryana hereby refer to the Industrial Tribunal, Haryana Faridabad, constituted under section 7-A of the said Act, the matters specified below, being either matter in dispute or matter relevant to or connected with the dispute as between the said management and the workman for adjudication:—

Whether the termination of service of Shri Ran Bir was justified and in order?

If not, to what relief is he entitled?

No. ID/FD/225/82/693.—Whereas the Governor of Haryana is of the opinion that an industrial dispute exists between the workman Shri Lal Babu Bharti and the management of M/s Shiv Shanker Homeo Pvt. Ltd., 0/3, Link Road, Faridabad, regarding the matter hereinafter appearing;

And whereas the Governor of Haryana considers it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana hereby refers to the Labour Court, Faridabad, constituted,—vide Government notification No. 11495-G-Lab/57/11245, dated 7th February, 1958 read with notification No. 5414-3Lab-68/15254, dated 20th June, 1968 under section 7 of the said Act, the matter specified below being either matter in dispute or matter relevant to or connected with the dispute as between the said management and the workman for adjudication:—

Whether the termination of service of Shri Lal Babu Bharti was justified and in order? If not, to what relief is he entitled?

No. ID/FD/217/82/700.—Whereas the Governor of Haryana is of the opinion that an industrial dispute exists between the workman Shri Ram Singh and the management of M/s Brond Powder Pvt. Ltd., 13/3, Mathura Road, Faridabad; regarding the matter hereinafter appearing;

And whereas the Governor of Haryana considers it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana hereby refers to the Labour Court, Faridabad constituted,—vide Government notification No. 11495-G-Lab/57/11245, dated 7th February, 1958 read with notification No. 5414-3 Lab-68/15254, dated 20th June, 1968 under section 7 of the said Act, the matters specified below being either matter in dispute or matters relevant to or connected with the dispute as between the said management and the workman for adjudication:—

Whether the termination of services of Shri Ram Singh was justified and in order? If not, to what relief is he entitled?

V. S. CHAUDHRI,

Deputy Secretary to Government, Haryana,
Labour Department.

FOREST DEPARTMENT

The 29th. December, 1982

No. 5058-Ft(3)-82/18611.—Whereas the Governor of Haryana is satisfied that the land specified below is needed by the Government at public expenses, for a public purpose, namely, for the forest plantation at village Fatehpur, H. B. No. 123, tehsil Jagadhri, district Ambala for which Haryana Government, Forest Department, notification No. S. O. 204/C.A.1/1894/S. 4/80 dated the 23rd September, 1980, under section 4 of the Land Acquisition Act, 1894, has been published, it is hereby declared that the land described in the specification below is needed for the purpose.

The declaration is made under the provision of section 6 of the Land Acquisition Act, 1894, for the information of all whom it may concern.

The plan of the land may be inspected in the office of the Collector Jagadhri.

SPECIFICATION

District	Tehsil	Locality	Rect No.	Killa No.	Area		Kind of land
					K.	M.	
Ambala	Jagadhri	Fatehpur H. B. No. 123	6	6	1—16		Barani
				15	4—14		Do
				116	3—13		Banjar Qadim
				25	0—11		Ditto
			7	6	3—1		Ditto
				7	8—0		Ditto
				8	8—0		Ditto
				9	8—0		Ditto
				10	8—0		Ditto
				11	8—0		Ditto
				12	8—0		Ditto
				13	8—0		Ditto
				14	8—0		Ditto
				15	5—6		Ditto
				16	3—0		Ditto
				17	8—0		Ditto
				18	8—0		Ditto
				19	8—0		Ditto
				20	8—0		Ditto
				21	7—17		Ditto
				22	8—0		Ditto
				23	8—0		Ditto
				24	8—12		Ditto
			12	1	7—2		Ditto
				2	8—0		Ditto
				3	8—0		Ditto
				4	8—0		Ditto
				7	4—0		Ditto
				8	8—0		Ditto
				9	8—0		Ditto
				10	6—14		Ditto

District	Tehsil	Locality	Rect No.	Kill No.	Area		Kind of land
					K.	M.	
Ambala— concl'd	Jagdhri— concl'd	Fatehpur H.B. No. 123— concl'd	12— concl'd	11	6—12	Banjar Qa im	
				12	8—0	Ditto	
				13	8—0	Ditto	
				14	2—0	Ditto	
				17	3—14	Ditto	
				18	8—0	Ditto	
				19	8—0	Ditto	
				20	7—8	Ditto	
				21	8—0	Ditto	
				22	8—0	Ditto	
				23	7—18	Ditto	
				24/1	3—11	Ditto	
				25	0—4	Ditto	
				5	0—14	Ditto	
				6	0—18	Ditto	
				15	8—0	Ditto	
				2/1	6—2	Ditto	
				3/1	1—10	Ditto	
				10/2	3—2	Ditto	
G. Total:					306—5	(38.95)	

J. D. GUPTA,

Secretary to Government, Haryana,
Forest Department.

LABOUR DEPARTMENT

The 17th December, 1982

No. 9(1)82-Lab/11941.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s. Haryana Roadways, Ambala.

IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER, LABOUR COURT,
HARYANA, FARIDABAD

Reference No. 472 of 1980

between

SHRI GIAN CHAND, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S.
HARYANA ROADWAYS, AMBALA.

Present :

Shri Janak Raj Sharma, for the workman.

Shri S. N. Gaur, for the respondent.

AWARD

This reference No. 472 of 1980 has been referred to this Court by the Hon'ble Governor of Haryana,— vide his order No. ID/YMN/67/80/52957, dated 13th October, 1980, under section 10(i)(c) of the industrial disputes Act, 1947 existing between Shri Gian Chand, workman and the respondent management of M/s Haryana Roadways, Ambala. The terms of the reference was :—

Whether the termination of services of Shri Gian Chand was justified and in order? If not, to what relief is he entitled?

Notices were issued to the parties on receiving this reference order. The parties appeared and filed their pleadings. The case of the workman according to the claim statement and demand notice is that the workman joined the service of the respondent on 12th May, 1975 and his services were terminated on 3rd March, 77 illegally without any justification and without offering an opportunity of enquiry. He worked more than 240 days and he was not paid any retrenchment compensation and violated the mandatory provisions of section 25-F of the Industrial Disputes Act. So the termination is void. The workman was on duty on 24th February, 1977. On 25th February, 1977 it was Saturday and the workman was on rest. On 26th February, 1977 the works manager told him that there are two batteries placed in the local bus which were not in the knowledge of the workman. The General Manager called the workman and terminated his services without any reason which is illegal and without jurisdiction.

The case of the respondent according to the written statement is that the order of discontinuation was valid and in accordance with the letter of appointment. The workman was appointed on 23rd November, 1976 and worked less than 240 days so there was no question of giving the retrenchment compensation to the workman. The workman was given one month notice before terminating the service as required under the terms and condition of the appointment letter and the orders were not mala fide, according to the rules. So the reference may be rejected.

On the pleadings of the parties, following issue was framed:—

1. As per reference?

My finding on the issues is as under:—

Issues No.1:—

The representative of the respondent argued on this issue that the workman was appointed as helper,—vide appointment letter dated 23th November, 1976 which is filed in the court. According to the terms and conditions of appointment letter under para 5 he can be removed after one month notice. The claimant was appointed on probation for the period of 2 years which may be extended for three years. If his work and conduct was not found satisfactory. The work and conduct of the workman was not satisfactory according to report of the Depot Manager and he was given one month notice which is Exhibit M.-1, dated 3rd March, 1977 for the termination of the workman. He further argued that as stated by Shri Rajinder Mohan Clerk of the respondent as MW-1 he joined the service on 23rd November, 1976 as helper on *ad hoc* basis and he was receiving Rs. 160/- as pay and he was removed from service after giving one month's notice, dated 3rd March, 1977. So the workman was not entitled for any relief.

The representative of the workman argued on this issue that the workman called Shri Raj Pal Clerk of the Haryana Roadways, Ambala with file as MW-1, who has stated that according to record the workman worked from February, 1976 to November, 1976 without any break and he was appointed as permanent helper on 23rd November, 1976. On the Complaint of Shri Faqir Chand which is Exhibit W-1, the General Manager gave the notice to the workman. He has further stated that no charge-sheet and enquiry was held and no notice was given to the workman about the complaint given by Shri Faqir Chand—works Manager about the theft of the batteries. He has further stated that the claimant was in services of the respondent before 1976 on daily wages. He had admitted in the cross-examination that the claimant was in service before the 23rd November, 1976 as helper and he was regular on the job. He has brought the service book of the workman. He further argued that the workman has stated as WW-2 that he started working with the respondent in the year 1973 on daily wages and he was made permanent in the year 1976. He worked whole year, in the year 1976 and worked more than 240 days. He has further stated that no chargesheet or enquiry was not made against the workman for the allegation or complaint made by the works manager which is Ex. WW-1/1. As the workman was a permanent employee. So the respondent should have made a proper enquiry before terminating the service of the workman. He further argued that the management witness MW-1 Shri Rajinder Mohan has stated that the claimant was appointed on basis whereas in the written statement, the respondent has stated that he was appointed on probation as per appointment letter which is a contradiction and which show that the respondent has concealed the fact about the service of the workman. The workman was working with the respondent since 1973 and he was made regular in the year 1976. The workman was not given any appointment letter as daily wages, which also illegal

on the part of the respondent. Even the daily wages are given appointment letters which was not done by the respondent. When the workman had worked more than 240 days and he was a permanent employee he cannot be removed by simple one month notice. If he was guilty he should be chargesheeted and the matter should be enquired by the respondent and after the enquiry his services could be terminated. But because the respondent had not complied with the provisions of law and the workman was terminated arbitrarily. So he is entitled for his reinstatement with continuity of service and back wages.

After hearing the arguments of both the parties. and going through the file, I am of the view that the workman statement as WW-2 was not rebutted by the respondent that he is working since 1973 with the respondent as helper and he was made permanent in the year 1976. It shows that the workman was working since 1973 and worked upto 3rd March, 1977 when the respondent gave one month notice to the respondent and worked more than 240 days so he was entitled for the retrenchment compensation under the provisions of Section 25-F of the Industrial Disputes Act. The respondent have ignored the provision of law and terminated the services of the workman arbitrarily without holding any enquiry or explanation of the workman which is illegal and not justified. Moreover the respondent clerk called by the claimant as witness has stated in his statement that the workman was working on daily wages before 23rd November, 1976. Though he has got no record of daily wages but his statement cannot be dis-believed, and in the presence of the statement of the respondent clerk as workman witness cannot be dis-believed and prove the case of the workman. So the termination of the workman is not justified and in order and the workman is entitled for his reinstatement with full back wages and continuity of service.

This be read in answer to this reference.

Dated the 13th November, 1982. -

HARI SINGH KAUSHIK,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endorsement No. 2433, dated 17th November, 1982

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

HARI SINGH KAUSHIK,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

M. KUTTAPPAN,

Commissioner and Secretary to Government, Haryana,
Labour and Employment Departments.